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6
7 IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
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9 SCOTT BREITENSTEIN,
Plaintiff,

10
11 vs.

12
13 UNITED AIRLINES, INC.,
Defendant.
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) COMPLAINT FOR DAMAGES
) AND DEMAND FOR JURY TRIAL
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15 For his Complaint against Defendant, Plaintiff alleges the following:

16 Jurisdiction

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18 This Court has jurisdiction over this civil action pursuant to 28 U.S.C. §1332 because it is a
19 civil action between citizens of different states where the amount in controversy exceeds the sum or
20 value of \$75,000, exclusive of interest and costs. Plaintiff is a citizen of the State of California.
21 Defendant is a corporate citizen of the State of Delaware, where it was incorporated, and Illinois,
22 where it maintains its principal place of business.

23 Venue

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25 Venue is proper in this District pursuant to 28 U.S.C. §1391, subsections (b)(2), (c)(2), and
26 (d) because Defendant is deemed by that statute to reside in any judicial district in which it is subject
27 to the Court's personal jurisdiction with respect to this civil action, and/or in any district within
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COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

1 California within which its contacts would be sufficient to subject it to personal jurisdiction if that
2 district were a separate State. Defendant maintains one of its national hubs as well as one of its
3 largest maintenance centers at Los Angeles International Airport (LAX) within this District, leases
4 substantial commercial property at LAX from the operator of the airport, operates daily scheduled
5 flights to and from LAX, employs numerous employees in and around LAX, and regularly solicits
6 business from the citizens of this District.
7

8 The Parties

9 1. Plaintiff, Scott Breitenstein, is a 50-year-old United States Armed Services veteran
10 who resides in Los Angeles, California. He is a citizen of California and has been at all times relevant
11 hereto.
12

13 2. Defendant, United Airlines, Inc., is a wholly-owned subsidiary of United Continental
14 Holdings, Inc. and is a corporate citizen of the State of Delaware, where it was incorporated, and the
15 State of Illinois, where it maintains its principal business offices. Defendant operates an airline that
16 makes regularly scheduled flights between California and numerous domestic and international
17 airports.
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19 Particulars of the Claims

20 3. On June 4, 2022, Plaintiff was a ticketed passenger aboard United Flight 2215 (the
21 “Flight”), operated by Defendant, that departed from Newark International Airport in Newark, New
22 Jersey, on that date and subsequently landed at LAX.
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24 4. The aircraft on which the Flight was conducted was, at all times relevant hereto, under
25 the exclusive control of Defendant, acting by and through its authorized employees and/or agents.

26 5. During the Flight, a flight attendant, employed by Defendant and acting in the course
27 of that employment, pushed a metal service cart that weighed several hundred pounds through the
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1 aisle of the aircraft and negligently rammed it into Plaintiff's left knee. The violent blow to his knee
2 resulted in a torn lateral meniscus, contusions and swelling of the knee joint. Those injuries caused
3 Plaintiff considerable pain and suffering, discomfort, difficulty walking, difficulty sleeping, and
4 embarrassment which have continued to the present day. Plaintiff has been informed by his treating
5 physician that he will need to undergo surgery to repair the torn lateral meniscus.
6

7 6. Defendant, as a common carrier and operator of an aircraft in air navigation, had
8 duties under both state and federal laws to exercise utmost care, or at least reasonable care, to prevent
9 bodily injury to its passengers, including Plaintiff.

10 7. Defendant's flight attendant breached the duties of care owed to Plaintiff to keep him
11 safe from bodily injury, by pushing the heavy service cart toward Plaintiff in such a manner that it
12 impacted his left knee with great force. The flight attendant's negligence was the proximate cause, or
13 a proximate cause, of Plaintiff's injuries and damages described in this Complaint.
14

15 8. Defendant is liable to Plaintiff for the negligent acts of its employee done within the
16 scope of her employment, under the doctrine of *respondeat superior*.
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18 9. Plaintiff is entitled to fair compensation for his physical injuries, the associated pain
19 and suffering and embarrassment, and all discomfort, inconvenience, and other *sequelae* of his
20 injuries, including, without limitation, any permanent impairment caused by the injuries.

21 10. No negligence, wrongful act or omission by Plaintiff contributed in any way to the
22 injuries and/or damages that he has sustained.
23

24 WHEREFORE, Plaintiff, Scott Breitenstein, demands judgment against Defendant, United
25 Airlines, Inc., in an amount to be determined by the jury, but not less than FIVE HUNDRED
26 THOUSAND DOLLARS (\$500,000.00), plus pre-judgment interest from June 4, 2022 and post-
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1 judgment interest and his costs of this action, together with such other and further relief as the Court
2 and/or jury shall deem just.

3 JURY DEMAND

4 PLAINTIFF DEMANDS TRIAL BY JURY ON THIS COMPLAINT.

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6 DATED this 4th day of October, 2022.

7 /s/ John D. McKay
8 John D. McKay
9 Counsel for Plaintiff Scott Breitenstein